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James L. Sanders  
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May 21, 2018

**Via Email (karen.barba@navy.mil)**

Ms. Karen Barba  
Contracting Officer  
Navy BRAC PMO  
Attn: Environmental Contracts Core  
CODE RO6B2  
33000 Nixie Way, Bldg. 50  
San Diego, CA 92147

**Re: RRA40.KL  
Radiological Support at Hunters Point Naval Shipyard**

Dear Ms. Barba:

As you know, we represent Tetra Tech EC, Inc. ("TtEC"). I am writing to follow-up on my letter to you dated May 3, 2018. For ease of reference, I have enclosed a copy of my earlier letter.

To date, we have not received a response to my May 3<sup>rd</sup> letter. While we have received some but not all of the materials requested in that letter, the Navy have yet to provide TtEC with all of the draft reports, appendices and supporting materials requested in that letter and in earlier correspondence. As explained in my prior letter, these items are necessary in order to allow TtEC to respond substantively to your letter.

Finally, let me reiterate once again that, as noted in Mr. Batrack's letter to Ms. Duchnak dated April 24, 2018, TtEC has offered to pay for an independent third-party contractor of the Navy's choosing to immediately re-test all areas in question at the Hunters Point site to alleviate the Navy's concerns. That offer stands and we are happy to discuss this proposal with you further. We look forward to hearing from you.

Very truly yours,



James L. Sanders

cc: Michael Tencate, Esq. (via email only – Michael.Tencate@Navy.mil)

Enclosure



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May 3, 2018

**Via Email (karen.barba@navy.mil)**

Ms. Karen Barba  
Contracting Officer  
Navy BRAC PMO  
Attn: Environmental Contracts Core  
CODE RO6B2  
33000 Nixie Way, Bldg. 50  
San Diego, CA 92147

**Re: RRA40.KL  
Radiological Support at Hunters Point Naval Shipyard**

Dear Ms. Barba:

We are in receipt of your letter dated May 1, 2018 regarding Tetra Tech EC, Inc.'s ("TtEC") performance on sixteen task orders awarded to TtEC to provide radiological support in connection with the remediation at Hunters Point Naval Shipyard ("Hunters Point").

At the outset, we note that we have yet to receive from you the draft reports referenced in the copy of your letter transmitted by email. In addition, we must once again renew our request for the appendices and supporting materials to the draft reports. We have requested this supporting information in writing on at least five separate occasions and it has not been provided to us. TtEC takes these matters very seriously and requires these supporting materials to be able to provide a thorough response to your letter.

Once we receive the requested materials, which we can only assume are quite voluminous, we will be in a better position to assess how long we will need to comment on the matters raised in your letter. We can say, however, that the seven business days between now and the May 15, 2018 deadline by which you have requested our response is not reasonable or feasible—especially considering we still have not been provided with the foundational materials that we will require to be able to respond substantively to your letter.

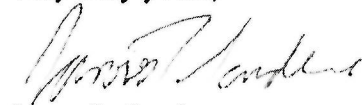
While we have not yet had the opportunity to fully consider the matters addressed within your letter and will require the supporting materials to do so, we do have the following initial observations:

- Although your letter lists sixteen different task orders spanning approximately 12 years of work at Hunters Point, you have not identified any specific failure by TtEC to live up to any requirement within any of the identified task orders.

- Your letter states, in a conclusory fashion, that TtEC's failure to perform work "in accordance with its contractual obligations" has jeopardized the Navy's objective without identifying any specific contractual obligation within any of the sixteen task orders with respect to which TtEC's performance was deficient.
- None of the draft reports validate a conclusion that there were problems with TtEC's work beyond those TtEC previously identified as self-corrected, with the concurrence of the Navy, in 2014. Instead, the draft reports preliminarily recommend further analysis for some areas because the validity of the data could not be conclusively established.
- While we understand that the free release of certain parcels has been delayed by recent events, that delay is the result of public comments made by various individuals and groups with their own political agendas and financial interests. TtEC was contracted to perform certain work that was a subset of the overall remediation at Hunters Point by the Navy; TtEC did not (and could not) guarantee that the political climate in the local community would be conducive to the Navy's goals. To blame TtEC for the current political climate is blatantly unfair and wrong. In addition, TtEC was not contractually obligated to ensure the free release of any parcels by the applicable contracts or task orders identified in your letter.
- Our initial evaluation of the CH2M Hill draft reports revealed fundamental flaws and a lack of support for your conclusions. Again, because we have not been provided with the underlying data, appendices and supporting materials, we are not presently in a position to provide a substantive response to those reports. We also note, however, that there are media reports that CH2M Hill was involved with work at the Hunters Point site that resulted in notices of violation and fines to Lennar by the Bay Area Air Quality Management District.

Finally, as noted in Mr. Batrack's letter to Ms. Duchnak dated April 24, 2018, TtEC has offered to pay for an independent third-party contractor of the Navy's choosing to immediately re-test all areas in question at the Hunters Point site to alleviate the Navy's concerns. That offer stands and we are happy to discuss this proposal with you further. We look forward to hearing from you.

Very truly yours,



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